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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/271,259	03/17/1999	TAKAFUMI NOGUCHI	2091-0189P	3867

7590

06/30/2003

BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040

EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PR9

Office Action Summary

Application No.
09/271,259

Applicant(s)
Takafumi NOGUCHI

Examiner
Ngoc-Yen Vu

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 7, 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, and 13 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 6-12, and 14-20 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Response to Amendment

1. The amendments, filed 04/07/2003, have been entered and made of record.

Response to Arguments

2. Applicant's arguments filed 04/07/2003 have been fully considered but they are not persuasive.

With respect to the Kawai '143 reference, the Applicant argues that Kawai fails to teach or suggest "adjusting the brightness of the image . . . based on color saturation." The Applicant further argues that since Kawai teaches that "colors can be adjusted in lightness, hue, and saturation independently of each other," Kawai cannot teach or suggest adjusting brightness of an image based on color saturation of the image, as recited in claims 1 and 3. The Examiner respectfully disagrees. Kawai teaches that the color adjustment can be set by using the lightness, saturation and hue in total (col. 6 lines 36-37). Kawai further teaches an example of "increase the brightness and vividness of red without changing its hue" (col. 6 lines 38-42). Kawai further shows in figure 6 a color distribution detection circuit 103 for detecting a color signal with highest saturation, the result of which is applied to a matrix conversion coefficient generation circuit 105 wherein the results of the matrix conversion are desirably modified in colors by a color modification means and outputs as an image from a color image output unit (col. 9 lines 41 - col. 12 line 3).

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In view of the Applicant's arguments, the Examiner reconsider the rejection of claims 3 and 4 in view of the Applicant's reply and found the arguments are persuasive. Claims 3 and 4 are objected to as being dependent upon a rejected base claim(s), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited Kawai reference for at least the reasons discussed above, and as stated in the following Office Action.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

It is requested that the title include information regarding color saturation components.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawai et al. (US #5,943,143).

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Claim 3 will be discussed first. Regarding claim 3, Kawai '143 teaches a system for adjusting image brightness comprising an adjuster having adjustment means for effecting a computation on color image data represented by a color signal composed of at least three components to obtain pixel lightness components and adjusting brightness of an image represented by the color image data based on the lightness components (see Figs. 1-7, col. 5 line 10 - col. 12 line 42), the system being characterized in that the adjuster further comprises adjustment means for adjusting the brightness of the image represented by the color image data based on color saturation components of the pixels (see Fig. 2; col. 3 line 17 - col. 4 line 18; col. 5 line 35 - col. 6 line 49; col. 8 lines 1- col. 10 line 16).

Regarding claim 1, it is a method claim corresponding to the apparatus claim 3. Therefore, claim 1 is analyzed and rejected as previously discussed with respect to claim 3.

6. Claims 5 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata (US #6,351,558).

Claim 5 will be discussed first. Regarding claim 5, Kuwata teaches a device for adjusting brightness of an image, comprising a data acquisition unit (Fig. 1, scanner 11, digital camera 12 or video camera 14) configured to acquire image data of the image (col. 20 line 40 - col. 21 line 42); and an adjustment unit (Fig. 1, image processor 20) configured to adjust a brightness of the image based on a color saturation of the image data from said data acquisition unit (col. 28 line 14 - col. 35 line 6).

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Regarding claim 13, they are method claims corresponding to the apparatus claims 5-12, respectively. Therefore, method claims 13-20 are analyzed and rejected as previously discussed with respect to apparatus claims 5-12.

Allowable Subject Matter

7. Claims 3, 4, 6-12 and 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this office action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon. - Fri. from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-0377.

NYV
06/26/2003



NGOC-YEN VU
PRIMARY EXAMINER